

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

**TAIWAN DICKERSON, KIM
KING-MACON, and TIFFANY RUSSELL,**

Plaintiffs,

vs.

**CENTENE MANAGEMENT COMPANY,
LLC, and CENTENE CORPORATION,**

Defendants.

Case No. 4:22-cv-00519-HEA

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Centene Management Company, LLC ("CMC"), and Centene Corporation ("Centene"), (collectively, "Defendants") respectfully move the Court pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an order granting summary judgment in favor of Defendants on all claims asserted by Plaintiffs Taiwan Dickerson, Kim King-Macon, and Tiffany Russell (collectively "Plaintiffs") in their First Amended and Substituted Complaint ("FAC") (ECF No. 35).

Summary judgment in favor of Defendants is appropriate as to Plaintiffs' sole claims under the Fair Labor Standards Act ("FLSA") that they allegedly worked outside of their regular work schedule without receiving overtime pay. First, the undisputed evidence establishes that Plaintiffs: (1) received, understood, and agreed to comply with CMC's timekeeping policy to accurately record their time; (2) admitted that their time and pay records were accurate; (3) consistently used CMC's timekeeping system to record overtime hours and were paid for those recorded overtime hours, including hundreds of instances for time outside of their regular work schedule; (4) on occasions when they worked outside of regular hours and had not recorded that time, either they

or their supervisor edited their timesheets to ensure they were paid appropriately; and (5) Defendants had no reason to know that Plaintiffs worked any overtime hours beyond what they recorded. Plaintiffs cannot meet their burden of showing the amount of alleged unpaid overtime as a matter of just and reasonable inference as required by controlling Eighth Circuit authority.

Second, summary judgment in favor of Defendants is also appropriate because *res judicata* bars Dickerson's and King-Macon's claims based on the judgment in *Laertha Banks et al. v. Centene Management Company LLC and Centene Corporation*, Case No. 4:21-cv-00429-DPM, ECF No. 43 (E.D. Ark. Sept. 22, 2023).

Finally, summary judgment in Centene Corporation's favor is appropriate because Centene Corporation did not employ Plaintiffs.

Defendants submit simultaneously, and incorporate by reference, their Memorandum in Support of their Motion for Summary Judgment, Statement of Uncontroverted Material Facts in Support of Motion for Summary Judgment, and exhibits thereto, explaining in detail why they are entitled to judgment as a matter of law with respect to all counts asserted in Plaintiffs' FAC.

WHEREFORE, Defendants respectfully request this Court grant summary judgment in their favor and dismiss Plaintiffs' Complaint in its entirety with prejudice, and for such other and further relief as the Court deems just and proper.

Dated this 1st day of May, 2024.

/s/ Breanne Sheetz Martell

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 1st day of May, 2024, a true and correct copy of the above and foregoing **Defendants' Motion for Summary Judgment** was electronically filed with the court using the CM/ECF system, which sent notification to all parties in interest participating in the CM/ECF.

s/ Breanne Sheetz Martell

BREANNE SHEETZ MARTELL

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